

## REMARKS

Claim 33 has been added, claims 1-3, 5, 10-11, 15-19, 22, 24, and 26 have been amended, and claim 4 has been canceled.

New claim 33 includes no new matter. That the probe pin, probe knob, and support ledge can be formed as a single piece is presented on page 8, lines 1-2 of the instant application, "[t]he probe pin 22 can include a probe knob 24, which can have a support ledge 26." Fig. 1 illustrates the location of the probe pin 22, probe knob 24, and support ledge 26. The cross section to the left of the wavy line in the breakaway view of Fig. 2 illustrates that the probe pin, probe knob, and support ledge all are formed of a single piece, because these features are shown with the same left-upper to right-lower diagonal hatching with no break between them indicated.

Amended claim 1 includes no new matter. The spindle assembly having a spindle comprising a spindle bore and an upper spindle shaft was presented in original claim 4. Page 10, lines 10-11 of the instant application states that "[a] spindle assembly can include the spindle 41 and the upper spindle shaft 2 inserted into the body bore 46." Page 8, lines 14-16 states that "[t]he upper spindle shaft 2 can be inserted into the body bore 46 such that the spindle body 42 can rotate about the spindle shaft 2." The body bore 46 can be part of the spindle bore (page 10, lines 19-22) and the spindle body 42 can be part of the spindle (page 10, lines 12-13). Thus, the text of the original specification indicates that the "upper spindle shaft [can be] located at least partially within said spindle bore and capable of rotating with respect to said spindle," as required by amended claim 1.

Amended claim 2 includes no new matter. Page 11, lines 4-6 of the instant application states that "[i]n an embodiment, a spindle assembly includes a spindle shaft set 1 and a spindle 41. The spindle shaft set 1 can include an upper spindle shaft 2 and a probe pin 22."

Amended claims 3 and 10-11 have been amended to render their terminology consistent with the claims from which they depend and include no new matter. Amended claim 5 has been amended to render it more succinct and clear and includes no new matter.

Amended claim 15 includes no new matter. Page 11, lines 4-6 of the instant application states that "[i]n an embodiment, a spindle assembly includes a spindle shaft set 1 and a spindle 41.

The spindle shaft set 1 can include an upper spindle shaft 2 and a probe pin 22." Thus, the spindle assembly can include a spindle and a probe pin, as required by claim 15. That the probe pin can rotate with respect to the spindle is presented on page 12, lines 14-16, which states that "[s]uch a spindle assembly, as further illustrated by Fig. 2, can have low susceptibility to unscrewing of the parts when the nose 44 and spindle body 42 are rotated in a particular direction relative to the upper spindle shaft 2 and the probe pin 22." Furthermore, page 10, lines 12-13 presents that the spindle body 42 can be part of the spindle.

Claims 16-19, 22, and 24 have been amended to render their terminology consistent with the claims from which they depend and include no new matter.

Claim 26 includes no new matter. Page 8, lines 14-16 of the instant application states that "[t]he upper spindle shaft 2 can be inserted into the body bore 46 such that the spindle body 42 can rotate about the spindle shaft 2." That the spindle body 42 can be part of the spindle is stated on page 10, lines 12-13.

Accordingly, claims 1-3 and 5-33 are pending.

#### **Rejections under 35 U.S.C. § 102(b) over Brenner et al.**

As a preliminary matter, claim 1, for example, includes the limitation of a spindle with a spindle bore, and the limitation that the upper spindle shaft can rotate within the spindle bore with respect to the spindle. It is unclear which feature of Brenner is considered as corresponding to a spindle. The Office Action refers to feature 24 as a "bore", although the lead line for label 24 in Fig. 2 of Brenner appears to point to a solid object. There is further confusion in that the Office Action states that "[r]e claim 19, the spindle is inserted into bore 24," whereas, line 13 of column 3 of Brenner refers to a "carrier tube 24" (Brenner, column 3, line 13) and a "probe tube 24," (Brenner, column 3, line 16) and the instant application presents an upper spindle shaft, not a spindle, being located at least partially within a spindle bore.

Applicants maintain that feature 24 of Brenner does not correspond to a spindle, and that a hollow region within feature 24 does not correspond to a spindle bore. Thus, Applicants are not estopped from future arguments that feature 24 is other than a spindle and that a hollow region within feature 24 is other than a spindle bore. However, for the purpose of argument and in the interest of expediting prosecution, Applicants will treat the Office Action as asserting that feature 24 of Brenner corresponds to a spindle, and a hollow region within feature 24 corresponds to a spindle bore.

Claims 1-5, 10-19, and 21-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent number 5,806,200 to Brenner et al. (hereinafter Brenner), as indicated on pages 2-3 of the Office Action of October 27, 2005.

Claims 1, 15, and 26, as amended, require that the upper spindle shaft, the probe pin, and the upper spindle shaft, respectively, be able to rotate with respect to the spindle. This feature is not disclosed in Brenner. Applicants understand that the Office Action treats the entire part to which the lead line from label 28 points in Fig. 2 of Brenner, what Brenner terms a "probe pin holder 27" (Brenner, column 4, line 14) to correspond to an upper spindle shaft. However, this feature 27 cannot rotate with respect to what appears to be considered the spindle of Brenner, feature 24. Lines 18-19 of column 3 of Brenner state that "[t]he probe tube 24 has a probe pin holder 27 mounted therein." Lines 62-64 of column 3 of Brenner state that "the spacer means is in the form of screws 23 which fix the spacing of the probe pin holder 27 from the probe tube 24," and lines 17-20 of column 4 of Brenner state that "a spherical bearing surface 35 is provided on the probe pin holder 27 which ensures that the screws always lie perpendicularly to the probe pin holder 27 when bending the probe pin holder." Because the screws 23 penetrate the end piece 34b and bear on the probe pin holder 27 (see Brenner, Fig. 2), and the end pieces 34a and 34b are joined to each other by a carbon fiber structure 21 to form the probe tube 24 (Brenner, column 4, lines 30-34), the probe pin holder 27 cannot rotate with respect to feature 24, which the Office Action treats as the upper spindle shaft and spindle, respectively. Therefore, because Brenner does not teach all the limitations of claim 1 or of claim 26 of the instant application, Brenner anticipates neither instant claim 1 nor instant claim 26.

Similarly, Brenner does not teach a probe pin capable of rotating with respect to a spindle; because Brenner does not teach all the limitations of claim 15 of the instant application, Brenner does not anticipate instant claim 15.

Claim 11 is patentable, because it depends from patentable claim 1. With respect to claim 11, Applicants submit that Brenner does not teach a spindle body and a nose. Applicants note that the Office Action states that feature 31 of Brenner "is a threaded nose portion," but that this is inconsistent with the rejection of claim 16, which states that "the threads on 31 are at a second end," so that 31 is considered to be probe threads.

Claim 14 is patentable, because it depends from patentable claim 13. Claim 14 is further patentable, because Brenner does not show that the spindle body, part of the spindle, contacts the upper section and lower section of the upper spindle shaft over about 40% of the length of the body bore of the spindle body.

Claim 23 is patentable, because it depends from patentable claim 22. Claim 23 is further patentable, because Brenner teaches neither a nose nor nose threads. Furthermore, threads of opposite handedness cannot be screwed together as asserted in the Office Action. Only threads of the same handedness can be screwed together. For example, a right-handed screw can be screwed together with a right-handed nut, but not with a left-handed nut.

Applicants are pleased that the Examiner indicated on page 3 of the Office Action that claims 6-9 and 20 were "objected to as being dependent upon a rejected base claim" and "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." For at least the reasons above, Applicants maintain that the base claim and intervening claims, as amended, are patentable, so that the objection should be removed and claims 6-9 and 20 held allowable.

Applicants note that the Office Action indicates on page 3 that claims 29-32 were "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form." Applicants point out that claim 29, which is not amended in this response, is an independent

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claim which does not depend upon a rejected base claim. In this light, Applicants respectfully request that claims 29-32 expressly be held allowable.

## CONCLUSION

For the above stated reasons, it is submitted that all of the pending claims, i.e., claims 1-3 and 5-33, are allowable over the prior art of record and are in condition for allowance. Therefore, it is respectfully submitted that this Amendment places the application in condition for allowance, does not increase the number of pending claims, and does not raise the issue of new matter. A Notice of Allowance for claims 1-3 and 5-33 is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Applicants understand that no fee is required for the filing of this Amendment. However, if a fee is required, applicants authorize the Commissioner for Patents to charge the required fee to Deposit Account Number 22-0261.

Respectfully submitted,



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